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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/749,085

12/30/2003

Jacob H. Morelissen

25355A

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EXAMINER

GILBERT, WILLIAM V

ART UNIT

PAPER NUMBER

3635

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PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/749,085	<b>Applicant(s)</b> MORELISSEN ET AL.	
	<b>Examiner</b> William V. Gilbert	<b>Art Unit</b> 3635	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 22 May 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-9, 13-24 and 28-32 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-9, 13-24, 28-32 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

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**DETAILED ACTION**

This is a Final Office Action. Claims 10-12 and 25-27 have been cancelled. Claims 1-24 and 28-32 are pending and examined.

***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**Claims 1, 2, 4, 14, 15, 16, 17, 19, 29-32** are rejected under 35 U.S.C. 103(a) as being obvious over Baker (U.S. Patent No. 3,886,706) in view of Hermanson (U.S. Patent No. 5,832,685).

Claims 1 and 16: Baker discloses a panel for use in a ceiling system having a main frame (Fig. 5) forming an outer periphery that defines an opening, at least two crossing members (4, 5) bridging the opening, a veil facing (1) made of glass fibers (Col. 2, lines 30-35), and the panels are adhered to the understructure (Co. 4, lines 1-5; Col. 5, lines 55-60; Baker teaches that the adaptors, 7 are adhered to the panel and the

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adaptors may be adhered to the frame.) Applicant should note that the adaptors, 7, are attached to member 4, which serves as both an outer periphery member and cross member (see Fig. 5, generally.) While Baker discloses a ceiling system (Col. 5, lines 1-4), it does not disclose that the ceiling is suspended. Hermanson discloses a grid and suspended ceiling system (Fig. 1). It would have been obvious at the time the invention was made to a person having ordinary skill in the art to use the system in Baker as a suspended ceiling system because, as noted, Baker discloses that the system can be used in a ceiling, and suspended ceiling systems such as the one in Hermanson are well known in the art. Regarding the limitation "in a conventional suspended ceiling grid system" (e.g., claim 1, line 6), applicant provides no limitations to claim the boundaries of what constitutes "in a system". The examiner takes the position that the panel is within the boundaries of the grid as claimed, and thus is in the system.

Claims 2 and 17: the main frame and cross members are a one-piece assembly when assembled (see Fig. 1, generally).

Claims 4 and 19: the frame and cross members are metal, which is a roll-formable material.

Claims 14 and 29: the frame is rectangular (Fig. 1, generally).

Claims 15 and 30: the cross members are in an "X" shape.

Claims 31 and 32: the facing material underlies the frame  
(Fig. 11: generally).

**Claims 3, 5, 6, 13, 18, 20, 21 and 28** are rejected under 35 U.S.C. 103(a) as being unpatentable over Baker and Hermanson as applied to claims 1 and 16 above, and further in view of Blum (U.S. Patent No. 4,272,804)

Claims 3 and 18: the prior art of record discloses the claimed invention except for the material of the frame and crossing members being of plastic. Blum discloses a panel frame system made of extruded plastic (Col. 3, lines 10-15). It would have been obvious at the time the invention was made to a person having ordinary skill in the art to use plastic material because plastic is a functional equivalence to the metal frame and would perform equally as well.

Claims 5 and 20: while the prior art of record does not disclose the materials welded together, it would have been obvious at the time the invention was made to a person having ordinary skill in the art to weld the pieces together (regardless of the composition) to prevent unwanted separation. Applicant should note that the panel is to be removable, but Baker does not disclose such information about the frame.

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Claims 6 and 21: plastic materials have inherent flame retardant properties.

Claims 13 and 28: the facing material is adhered to the frame members by adhesive applied to either the frame or veil.

**Claims 7 and 22** are rejected under 35 U.S.C. 103(a) as being unpatentable over Baker, Hermanson and Blum as applied to claim 6 and 21 above, and further in view of Auriemma (U.S. Patent No. 7,062,886).

Claims 7 and 22: while Baker in view of Blum discloses the frame members are plastic, it does not disclose that they are made of polyvinyl chloride. Auriemma discloses a system with the material made from PVC. It would have been obvious at the time the invention was made to a person having ordinary skill in the art to make the members of polyvinyl chloride because this is a well known plastic and would perform equally as well.

**Claims 8, 9, 23 and 24** are rejected under 35 U.S.C. 103(a) as being unpatentable over Baker, Hermanson and Blum as applied to claims 3 and 18 above, and further in view of Kownacki (U.S. Publication 2003/0145532).

Claims 8 and 23: the prior art of record discloses the claimed invention including the frame members are plastic, but

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not made with one of the materials as claimed. Kownacki discloses a plastic material made of calcium carbonate (paragraph 0003, line 20). It would have been obvious at the time the invention was made to a person having ordinary skill in the art to use this material because this material further strengthens the frame members.

Claims 9 and 24: the prior art of record discloses the claimed invention including the frame members are plastic, but not a reinforcement. Kownacki discloses a plastic member reinforced with glass or talc (paragraph 0003, lines 18-22). It would have been obvious at the time the invention was made to a person having ordinary skill in the art to add a reinforcement to the plastic structure because these types of reinforcements are well known in the art to be used in combination with plastics to further strengthen the material.

### ***Response to Arguments***

2. The following addresses applicant's arguments/remarks dated 22 January 2008:

Applicant's arguments with respect to the claims have been considered but are moot in view of the new ground(s) of rejection as applicant amended the claims.

Regarding applicant's position of the panel's fitting in a conventional suspended ceiling grid system, see rejection above.

In response to applicant's argument that Baker is nonanalogous art, it has been held that a prior art reference must either be in the field of applicant's endeavor or, if not, then be reasonably pertinent to the particular problem with which the applicant was concerned, in order to be relied upon as a basis for rejection of the claimed invention. See *In re Oetiker*, 977 F.2d 1443, 24 USPQ2d 1443 (Fed. Cir. 1992). In this case, Baker is a ceiling system, which is applicant's claimed invention. As a result, it is analogous art.

### ***Conclusion***

3. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened



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statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to William V. Gilbert whose telephone number is 571.272.9055. The examiner can normally be reached on Monday - Friday, 08:00 to 17:00 EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Chilcot can be reached on 571.272.6777. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/W. V. G./  
Examiner, Art Unit 3635

/Basil Katcheves/  
Primary Examiner, Art Unit 3635